

REMARKS

Claims 1, 11 and 16 were examined. All claims were rejected. In response to the above-identified Office Action, Applicants amend claims 1, 11 and 16 and add claims 19 and 20. Reconsideration of the rejected claims in light of the amendments and the following remarks is requested.

I. Claims Rejected Under 35 U.S.C. § 103(a)

The Examiner rejected claims 1, 11 and 16 under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent No. 6,360,369 issued to Mahoney ("*Mahoney*") in view of U.S. Patent No. 4,475,812 issued to Kloker *et al.* ("*Kloker*"). Applicants believe that the amended claims are distinguishable over the references of record, and request that these rejections be withdrawn.

As to claim 1, that claim recites filter comprising a number of elements, including a digital-to-analog converter to convert the added samples to analog values and an interface to transmit the analog values. These elements are not present in *Mahoney*, because that reference deals with recovering data from a noisy *received* signal, not with preparing data for *transmission*. The supplemental reference, *Kloker*, is relied upon only for its teaching of a multiplier/accumulator circuit. Applicants will assume for the sake of argument that *Kloker*'s circuit might be useful in the claimed filter, and furthermore that one skilled in the art might be motivated to apply the circuit to *Mahoney*'s interference tolerant modem. Nevertheless, the references of record fail to teach or suggest the digital-to-analog converter and interface as discussed above. For at least those reasons, Applicants respectfully request that the rejection of claim 1 be withdrawn.

As to claim 11, that claim recites a method to provide Nyquist filtering and pre-equalization before transmitting data comprising a number of operations, including converting the added samples to analog values and transmitting the analog values. *Mahoney* is concerned with processing *received* data, so it teaches neither of these

operations. *Kloker*, as mentioned before, also fails to supply the missing information, so the two references are deficient in establishing a *prima facie* case of unpatentability. For at least these reasons, Applicants ask the Examiner to withdraw the rejection of claim 11.

As to claim 16, that claim recites a computer system comprising a number of parts, including a D/A converter to convert a discrete-time signal to an analog signal and a cable interface to couple the analog signal onto a cable. As discussed in relation to claims 1 and 11, the references of record fail to teach or suggest converting a discrete-time signal to an analog signal and coupling the analog signal onto a cable. Instead, they concern extracting data from a signal degraded by ingress (noise). For at least these reasons, the Examiner is respectfully requested to withdraw the rejection of this claim as well.

II. New Claims

New claims 19 and 20 relate to an apparatus for processing a series of two-bit binary samples. Support for the claims is at p. 2, lines 12-22; p. 4, lines 7-12 and 19-21; and Fig. 1. The apparatus is distinguishable over the references of record for at least the reason that it describes a *transmitting* apparatus instead of a *receiving* apparatus.

CONCLUSION

In view of the foregoing, it is believed that all claims now pending, namely claims 1, 11, 16, 19 and 20, patentably define the subject invention over the prior art of record, and are in condition for allowance and such action is earnestly solicited at the earliest possible date. If the Examiner believes that a telephone conference would be useful in moving the application forward to allowance, the Examiner is encouraged to contact the undersigned at (310) 207-3800.

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Respectfully submitted,
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